

6888

2011-2012 Regular Sessions

I N A S S E M B L Y

April 5, 2011

Introduced by M. of A. SCHROEDER -- read once and referred to the
Committee on Ways and Means

AN ACT to amend the executive law and the state finance law, in relation
to authorizing municipal governments hosting tribal casinos to receive
payments directly from Native American nations or tribes

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 12 of the executive law is amended by adding a new
2 subdivision (d) to read as follows:
3 (D) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ANY MUNICIPAL GOVERN-
4 MENT THAT HOSTS GAMING AND RELATED FACILITIES OF THE NATION MAY RECEIVE
5 PAYMENTS DIRECTLY FROM THE NATION PURSUANT TO SUBDIVISION TWO-A OF
6 SECTION NINETY-NINE-H OF THE STATE FINANCE LAW, AS ADDED BY CHAPTER
7 THREE HUNDRED EIGHTY-THREE OF THE LAWS OF TWO THOUSAND ONE. ANY PAYMENTS
8 MADE BY THE NATION DIRECTLY TO ANY MUNICIPAL GOVERNMENT THAT HOSTS
9 GAMING AND RELATED FACILITIES PURSUANT TO THIS SUBDIVISION SHALL BE
10 DEEMED TO HAVE BEEN MADE IN SATISFACTION OF THE COMPACT, AND SUCH
11 PAYMENTS SHALL BE DEDUCTED FROM THE AMOUNTS THE STATE IS REQUIRED TO PAY
12 SUCH MUNICIPAL GOVERNMENT PURSUANT TO SUBDIVISION THREE OR FOUR OF SUCH
13 SECTION NINETY-NINE-H.
14 S 2. Subdivision 2 of section 99-h of the state finance law, as
15 amended by chapter 747 of the laws of 2006, is amended and a new subdi-
16 vision 2-a is added to read as follows:
17 2. Such account shall consist of all revenues resulting from tribal-
18 state compacts executed pursuant to article two of the executive law and
19 a tribal-state compact with the St. Regis Mohawk tribe executed pursuant
20 to chapter five hundred ninety of the laws of two thousand four, LESS
21 ANY PAYMENTS MADE DIRECTLY BY A NATIVE AMERICAN NATION OR TRIBE, PURSU-
22 ANT TO SUBDIVISION TWO-A OF THIS SECTION, TO ANY MUNICIPAL GOVERNMENT
23 THAT HOSTS A TRIBAL CASINO.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 2-A. A MUNICIPAL GOVERNMENT THAT HOSTS A TRIBAL CASINO MAY RECEIVE
2 PAYMENTS DIRECTLY FROM A NATIVE AMERICAN NATION OR TRIBE; PROVIDED,
3 HOWEVER, THAT THE CHIEF FISCAL OFFICER OF THE MUNICIPAL GOVERNMENT
4 SHALL, WITHIN SEVEN DAYS OF THE RECEIPT OF SUCH PAYMENTS, NOTIFY THE
5 STATE COMPTROLLER THAT SUCH PAYMENTS HAVE BEEN RECEIVED BY SUCH MUNICI-
6 PAL GOVERNMENT. ALL PAYMENTS RECEIVED BY ANY MUNICIPAL GOVERNMENT THAT
7 HOSTS A TRIBAL CASINO SHALL BE DEEMED TO HAVE BEEN MADE IN SATISFACTION
8 OF THE PROVISIONS OF THE TRIBAL-STATE COMPACT EXECUTED PURSUANT TO ARTI-
9 CLE TWO OF THE EXECUTIVE LAW AND A TRIBAL-STATE COMPACT WITH THE ST.
10 REGIS MOHAWK TRIBE EXECUTED PURSUANT TO CHAPTER FIVE HUNDRED NINETY OF
11 THE LAWS OF TWO THOUSAND FOUR, AND SUCH PAYMENTS SHALL BE DEDUCTED FROM
12 THOSE AMOUNTS THE STATE IS REQUIRED TO MAKE TO SUCH MUNICIPAL GOVERNMENT
13 PURSUANT TO SUBDIVISION THREE OR FOUR THIS SECTION.

14 S 3. Subdivision 2 of section 99-h of the state finance law, as
15 amended by section 1 of part V of chapter 59 of the laws of 2006, is
16 amended and a new subdivision 2-a is added to read as follows:

17 2. Such account shall consist of all revenues resulting from tribal-
18 state compacts executed pursuant to article two of the executive law and
19 a tribal-state compact with the St. Regis Mohawk tribe executed pursuant
20 to chapter five hundred ninety of the laws of two thousand four, LESS
21 ANY PAYMENTS MADE DIRECTLY BY A NATIVE AMERICAN NATION OR TRIBE, PURSU-
22 ANT TO SUBDIVISION TWO-A OF THIS SECTION, TO ANY MUNICIPAL GOVERNMENT
23 THAT HOSTS A TRIBAL CASINO.

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26 HOWEVER, THAT THE CHIEF FISCAL OFFICER OF THE MUNICIPAL GOVERNMENT
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28 STATE COMPTROLLER THAT SUCH PAYMENTS HAVE BEEN RECEIVED BY SUCH MUNICI-
29 PAL GOVERNMENT. ALL PAYMENTS DIRECTLY RECEIVED BY ANY MUNICIPAL GOVERN-
30 MENT THAT HOSTS A TRIBAL CASINO SHALL BE DEEMED TO HAVE BEEN MADE IN
31 SATISFACTION OF THE TRIBAL-STATE COMPACT EXECUTED PURSUANT TO ARTICLE
32 TWO OF THE EXECUTIVE LAW AND A TRIBAL-STATE COMPACT WITH THE ST. REGIS
33 MOHAWK TRIBE EXECUTED PURSUANT TO CHAPTER FIVE HUNDRED NINETY OF THE
34 LAWS OF TWO THOUSAND FOUR, AND SUCH PAYMENTS SHALL BE DEDUCTED FROM
35 THOSE PAYMENTS THE STATE IS REQUIRED TO MAKE TO THE MUNICIPAL GOVERNMENT
36 PURSUANT TO SUBDIVISION THREE OF THIS SECTION.

37 S 4. This act shall take effect immediately; provided, however, that
38 the amendments to subdivision 2 of section 99-h of the state finance
39 law, made by section two of this act, shall not affect the expiration
40 and reversion of such section and the provisions of section two of this
41 act shall expire and be deemed repealed therewith; when upon such date
42 section three of this act shall take effect.